

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
MAY 21 2007
CATHY A. CATTENSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN WILLIAM ELM,

Defendant - Appellant.

No. 06-10641

D.C. No. CR-05-00053-06-RBL
District of Guam,
Agana

ORDER

FILED
DISTRICT COURT OF GUAM
MAY 25 2007
MARY L.M. MORAN
CLERK OF COURT

Before: Peter L. Shaw, Appellate Commissioner

Appellant's opening brief was due January 26, 2007. On February 23, 2007 and again on April 9, 2007, the court ordered appellant's appointed counsel, Curtis C. Van de Veld, Esq., to file the opening brief within 14 days and file a motion for relief from default. To date, counsel has not complied with the court's order.

The court, on its own motion, relieves Curtis C. Van de Veld, Esq., 167 East Marine Corps Drive, Suite 101, Hagåtña, Guam 96910, (671) 472-1131, as appellant's counsel of record. New counsel will be appointed by separate order. No compensation shall be awarded to counsel Van de Veld under the Criminal Justice Act for this representation.

The Clerk shall serve a copy of this order by facsimile transmission on Mary L. M. Moran, Clerk of Court, District Court of Guam, Office of the Clerk, 4th Floor, United States Courthouse, 520 W. Soledad Avenue, Hagåtña, Guam 96910, (FAX: (671) 473-9152), who will locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed

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counsel by facsimile transmission (FAX: (415) 355-8111) within 14 days of locating counsel.

New counsel shall designate the reporter's transcript by July 2, 2007. The transcript is due August 1, 2007. Appellant's opening brief and excerpts of record are due September 10, 2007; appellee's answering brief is due October 10, 2007; and the optional reply brief is due within 14 days after service of the answering brief.

Within 14 days after the filing date of this order, Curtis C. Van de Veld, Esq., shall show cause in writing why this court should not impose on counsel Van de Veld monetary sanctions not less than \$1000 and deem counsel Van de Veld ineligible to receive appellate appointments under the Criminal Justice Act. Failure to file a timely response or to provide an adequate explanation may result in the imposition of sanctions without further notice.

The Clerk shall serve this order by certified mail (return receipt requested) on former counsel Curtis C. Van de Veld, Esq., 167 East Marine Corps Drive, Suite 101, Hagåtña, Guam 96910.

Letter L. Show

General Order 6.3(e)